

FILED
ENDORSED

2003 FEB 10 PM 2:30

SACRAMENTO COURTS
DEPT. #53 #54

CHARITY KENYON, SBN 078823
RIEGELS CAMPOS & KENYON LLP
2500 Venture Oaks Way, Suite 220
Sacramento, CA 95833-4222
Telephone: (916) 779-7100
Facsimile: (916) 779-7120

STEVEN BENITO RUSSO, SBN 104858
Chief of Enforcement

LUISA MENCHACA, SBN 123842
General Counsel

WILLIAM L. WILLIAMS, JR., SBN 99581
Commission Counsel

HOLLY B. ARMSTRONG, SBN 155142
Commission Counsel

FAIR POLITICAL PRACTICES COMMISSION
428 J Street, Suite 620
Sacramento, CA 95814
Telephone: (916) 322-5660
Facsimile: (916) 322-1932

Attorneys for Plaintiff

SUPERIOR COURT OF THE STATE OF CALIFORNIA
IN AND FOR THE COUNTY OF SACRAMENTO

FAIR POLITICAL PRACTICES COMMISSION,
a state agency,

Plaintiff,

v.

SANTA ROSA INDIAN COMMUNITY OF THE
SANTA ROSA RANCHERIA dba PALACE
BINGO AND PALACE INDIAN GAMING
CENTER, and DOES I-XX,

Defendants.

Case No. 02AS04544

DECLARATION OF DAN SCHEK IN
OPPOSITION TO MOTION TO
QUASH

Date: February 20, 2003

Time: 9:00 a.m.

Dept: 54

Judge: Hon. Joe S. Gray

Action filed July 31, 2002

No Trial Date Set

I, Dan Schek declare:

1. I am over the age of 18 years. My business address is: Fair Political Practices
Commission, 428 J Street, Suite 620, Sacramento, CA 95814. The facts set forth herein are personally
known to me, and if called upon to testify, I could and would competently do so. I am submitting this

1 declaration in support of the California Fair Political Practices Commission's opposition to the motion
2 to quash filed by Defendant Santa Rosa Indian Community of the Santa Rosa Rancheria ("Defendant
3 Santa Rosa Rancheria").

4 2. I am an Investigator III employed by the Enforcement Division of the Fair Political
5 Practices Commission (the "FPPC"), and have been so employed since April 4, 2002. I was hired as an
6 Investigator I with the Enforcement Division of the FPPC on February 14, 2000. I served in that
7 capacity until March 1, 2001, when I was promoted to Investigator II. I served in that capacity until I
8 was promoted to Investigator III, as set forth above. Prior to my employment with the FPPC, I was
9 employed in an investigative capacity for over 5 years by the Sacramento County District Attorney's
10 Office and the Sacramento County Sheriff's Department.

11 3. As an Investigator with the Enforcement Division of the FPPC, I am assigned by my
12 supervisors to conduct investigations of possible violations of the Political Reform Act (the "Act," Gov.
13 Code § 81000 et seq.). I have conducted investigations in over 140 cases involving alleged violations
14 of the Act during my employment with the Enforcement Division. With regard to investigating
15 possible violations of the campaign reporting provisions of the Act, my duties often entail the thorough
16 review of campaign statements filed by possible violator(s), and the comparison of such campaign
17 statements with the campaign statements of other persons involved in campaign transactions with the
18 possible violator(s). Such cross-checking of campaign statements is a fundamental investigative tool in
19 almost any campaign reporting investigation. My duties also entail reviewing the campaign financial
20 records of possible violators to verify the nature of transactions that may or may not have been reported
21 on campaign statements. Access to the campaign financial records of possible violators is another
22 fundamental investigative tool in almost any campaign reporting investigation. Absent these
23 investigative tools, it would be nearly impossible to develop sufficient evidence to determine whether a
24 given campaign reporting violation has been committed.

25 4. On August 14, 2000, I was assigned to investigate a number of gaming entities that were
26 the subject of a complaint filed by Common Cause, alleging possible violations of the campaign
27 reporting provisions of the Act. Among the gaming entities that were the subject of the complaint,
28 were a number of Indian tribes, including Defendant Santa Rosa Rancheria, which was doing business

1 as Palace Bingo and as the Palace Indian Gaming Center. As the Common Cause complaint involved
2 numerous entities and allegations, the Enforcement Division undertook a substantial investigation to
3 determine the validity of the complaint, and whether any violations of the Act had been committed.
4 This investigation involved the time-consuming task of obtaining and reviewing numerous manually
5 filed paper campaign reports, as the recently instituted electronic filing of campaign reports was not in
6 place for the period of the alleged violations.

7 5. At one point in the investigation, Enforcement Division staff determined that a number
8 of the alleged violations in the Common Cause complaint had merit. Among the entities for which
9 there were apparently meritorious allegations in the Common Cause complaint was Defendant Santa
10 Rosa Rancheria. In keeping with my normal practice for investigating suspected violations of the
11 reporting requirements of the Act, I personally attempted to obtain all of the campaign statements filed
12 by Defendant Santa Rosa Rancheria from the Secretary of State. However, my review of the Secretary
13 State's records revealed that Defendant Santa Rosa Rancheria had not filed any campaign statements
14 whatsoever from January 1, 1998 through June 30, 2002, either in its own name, or in the name of
15 either of its dba's, Palace Bingo or Palace Indian Gaming Center.

16 6. In July of 2002, I was informed by the Enforcement Division attorneys assigned to this
17 case that Defendant Santa Rosa Rancheria was intending to file campaign statements for 1998 through
18 2002 (up through June 30, 2002). In August of 2002, the Enforcement Division attorneys assigned to
19 this case provided me with copies of four campaign statements purportedly covering the period 1998
20 through 2001, that had been received by the Enforcement Division by facsimile transmission from
21 Defendant Santa Rosa Rancheria dba Palace Indian Gaming Center, which had ostensibly been filed
22 with the Secretary of State. My review of these facsimile copies revealed that they were filed under the
23 dba Palace Indian Gaming Center, and were date-stamped August 16, 2002, but did not appear to be
24 date-stamped by the Secretary of State. I immediately contacted the Secretary of State's Office, and
25 inquired as to whether that office had received any campaign documents from Defendant Santa Rosa
26 Rancheria or Palace Indian Gaming Center, and was informed that no such campaign documents had
27 been filed with that office.
28

1 7. I continued to check daily with the Secretary State, and was apprised several days later
2 that campaign documents for the Palace Indian Gaming Center had been filed with the Secretary of
3 State on August 24, 2002. I immediately obtained from the Secretary of State copies of the filed
4 campaign statements for the Palace Indian Gaming Center for the years 1998, 1999, 2000 and 2001,
5 that were file-stamped as received by the Secretary of State on August 24, 2002. I initially reviewed
6 these campaign statements to determine the amounts that Defendant had not timely reported during
7 those years. I further cross-checked Defendant Santa Rosa Rancheria's campaign statements with
8 numerous campaign statements filed by potential recipients of contributions from Santa Rosa Rancheria
9 and/or its dba Palace Indian Gaming Center, to determine whether Defendant's campaign statements
10 were complete and accurate. This was a very time-consuming process, because it entailed reviewing
11 voluminous campaign statements of numerous state candidates and ballot measure committees for any
12 entries pertaining to Defendant Santa Rosa Rancheria and or its dba Palace Indian Gaming Center.
13 Based on my review of Defendant's campaign statements on their face, as well as a comparison of the
14 documents with the campaign statements of potential recipients of contributions from Defendant, I
15 determined that Defendant's campaign statements omitted major campaign contribution activity by
16 Defendant Santa Rosa Rancheria.

17 8. Subsequently, I obtained from the Secretary of State a copy of amended campaign
18 statements filed by Defendant Santa Rosa Rancheria under the dba Palace Indian Gaming Center for
19 1998 and 2000. These campaign statements were filed with the Secretary of State on September 25,
20 2002, and were amended versions of the campaign statements previously filed with the Secretary of
21 State on August 24, 2002. Additionally, I obtained from the Secretary of State a copy of a campaign
22 statement filed by Defendant Santa Rosa Rancheria, in its own name, for the year 1998 that was filed
23 with the Secretary of State on September 25, 2002. I reviewed the amended campaign statements, and
24 the statement filed by the Santa Rosa Rancheria in its own name, to determine the extent to which
25 Defendant had not reported contributions that it had made during 1998 and 2000.

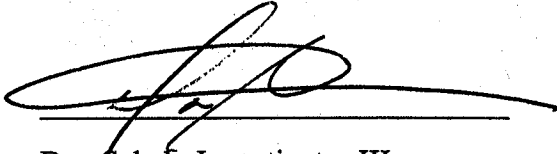
26 9. Based upon my review and cross-checking of campaign statements, as set forth above, I
27 found the following. During the January 1, 1998 through June 30, 1998 campaign reporting period,
28 Defendant Santa Rosa Rancheria made contributions totaling at least \$125,000 to candidates for state

1 office, but did not file a semi-annual campaign statement with the Secretary of State for that campaign
2 reporting period, by the July 31, 1998 due date, in violation of Government Code section 84200.
3 During the July 1, 1998 through December 31, 1998 campaign reporting period, Defendant Santa Rosa
4 Rancheria made contributions totaling at least \$117,250 to candidates for state office, and made a
5 contribution of \$250,000 to a statewide ballot measure committee, but did not file a semi-annual
6 campaign statement with the Secretary of State for that campaign reporting period, by the January 31,
7 1999 due date, in violation of Government Code section 84200. During the July 1, 2000 through
8 December 31, 2000 campaign reporting period, Defendant Santa Rosa Rancheria made contributions
9 totaling at least \$35,000 to candidates for state office, but did not file a semi-annual campaign
10 statement with the Secretary of State for that campaign reporting period, by the January 31, 2001 due
11 date, in violation of Government Code section 84200.

12 10. Based on my review and cross-checking of campaign statements, as set forth above, I
13 also found the following. On October 19, 1998, Defendant Santa Rosa Rancheria made a late
14 contribution of \$110,000 to a candidate for statewide office, but did not file a late contribution report
15 disclosing that contribution by the October 20, 1998 due date, in violation of Government Code section
16 84203, subdivision (b). On October 22, 1998, Defendant Santa Rosa Rancheria made a late
17 contribution of \$250,000 to a statewide ballot measure committee, but did not file a late contribution
18 report disclosing that contribution by the October 23, 1998 due date, in violation of Government Code
19 section 84203, subdivision (b).

20 11. I have obtained from the Secretary of State and from the Secretary of State's website all
21 available verified semi-annual campaign statements for 18 California tribes and tribal gaming entities
22 filed in hard copy and electronically with the Secretary of State from 1998 through 2002. I have
23 reviewed the contribution summary pages for all of these statements, and using an Excel software
24 program, I have personally prepared a chart showing aggregate contribution activity for each
25 tribe/entity. A true and complete copy of this chart is attached hereto and incorporated herein by
26 reference as Exhibit A.
27
28

1 I declare under penalty of perjury under the laws of the State of California, that the foregoing is
2 true and correct. Executed on February 6, 2003 at Sacramento, California.

3
4 

5 Dan Schek, Investigator III
6 Fair Political Practices Commission
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28